



OFFICE OF ZONING

2009 SEP 11 PM 4:12

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JS} Deputy Director for Development Review & Historic Preservation

DATE: September 3, 2009

SUBJECT: Zoning Commission Case Number 09-09, a Proposed Zoning Text Amendment to allow a trapeze school facility with the SEFC/R5E District

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission approve the following text amendments to the Zoning Regulations:

- Amendment to Chapter 18 (Southeast Federal Center Overlay District) § 1804.2, by adding a provision to exempt the approval of trapeze schools from Zoning Commission review;
- Amendment to Chapter 18 § 1804, by adding new § 1804.7 which establishes a trapeze school and aerial performing arts center as a matter-of-right use on Parcel O, to be permitted for a specified 5-year time frame with no required off-street parking;
- Amendment to Chapter 18 § 1804, by adding new § 1804.8 which grants the Zoning Commission, via special exception, the authority to extend the approval of the trapeze school and aerial performing arts center use beyond the 5-year time frame and, if necessary, establish and impose off-street parking requirements; and
- Amendment to Chapter 32 (Administration and Enforcement) § 3202, by adding a provision to permit the issuance of a building permit for the trapeze school and aerial performing arts center prior to the creation and establishment of lots of record.

II. SITE DESCRIPTION

The Southeast Federal Center (SEFC) site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The SEFC is approximately 42 acres in size, excluding an 11 acre parcel on M Street, SE which is the site of the new Department of Transportation (USDOT) Headquarters (ZC Case #03-05). Parcel O, which is currently undeveloped, is bounded by Tingey Street, SE (north), 4th Street, SE (west), 5th Street, SE (east), and Water Street, SE, a new street, forms the southern boundary. Parcel O is located within the SEFC/R-5-E zone.

III. BACKGROUND

The Office of Planning, in its staff report dated July 2, 2009, supported setdown of a text amendment to permit the establishment of a trapeze school on Parcel O of the SEFC site, with a recommendation to locate off-street parking, if required, on the adjacent Parcel N. Subsequent to the filing of that report, OP received additional input from the applicant, Forest City SEFC LLC, and the Office of the Attorney General (OAG) regarding the proposed text. Both suggested several changes to the language which

would establish a time limit for the approval of the requested use, provide a mechanism for extending the approval, waive parking requirements, and allow for the issuance of a building permit for the requested use. The Zoning Commission discussed these changes at its regular public meeting held July 13, 2009 and set down the proposed amendments for a public hearing.

Trapeze School New York

The Trapeze School New York (TSNY) was established in 2002 in New York City and has since expanded to develop schools in Baltimore, Boston, and Washington, DC. The Washington, DC trapeze school currently operates on the site of the old convention center at 9th and H Streets, NW.

The proposed facility would be located on a 70' x 120' site. It would include both an indoor trapeze rig located within a tent structure as well as an outdoor flying trapeze rig. The tent is proposed to have a footprint of 50' by 80', which would be surrounded by walkways. The tent would be made of metal trusses, a fabric cover, and vinyl windows with all lighting contained within the building. The outdoor rig, to be used during the summer, is constructed of steel cables, aluminum polls, and netting. The rig could be easily moved to different locations on the site and would be surrounded by a temporary fence approximately 10' in height. The maximum height of the tent and outdoor rig would be 36' and 32' feet, respectively. The proposed entrance to the trapeze facility would be on 4th Street, SE.

The trapeze school would offer a variety of classes, for groups and individuals, as well as entertainment. Proposed activities include flying and static trapeze classes, trampoline classes, and team building corporate workshops. Performances and shows would also be held by participants of the intensive flying trapeze class as well as staff members. Classes are offered every day of the week and the proposed hours of operation are 8:30am – 10:30pm.

IV. PROPOSED TEXT

The Office of Planning recommends that the Zoning Commission adopt the following amendments to the Zoning Regulations of the District of Columbia (additions to existing language shown in bold and underlined text):

A. Chapter 18. SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, Section 1804, SEFC/R-5-D and R-5-E Zoning Districts, is amended as follows:

1. By amending § 1804.2 (e) to read as follows:

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title:

(e) School, private, public, or trade; **except as provided in § 1804.7.**

2. By adding new §§ 1804.7 and 1804.8 to read as follows:

1804.7 Notwithstanding § 1804.2 (e), a trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel 0 until December 31, 2014, during which time no parking shall be required.

1804.8 The continuation of the trapeze school and aerial performing arts center use after December 31, 2014 shall require special exception approval by the Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title, and shall include a determination as to whether and what amount of parking should be required.

B. Chapter 32. ADMINISTRATION AND ENFORCEMENT, subsection 3202.3, is also amended as described below.

OP notes that the section 3202.3 cited in the public hearing notice was amended in 2004 by case 02-42 and includes additional language not shown in the notice. The omitted language has no substantive impact on the current case but OP recommends the following language and format to include all changes to § 3202.3:

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled “An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,” and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; ~~except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia. Notwithstanding the foregoing, a building permit may be issued for a boathouse, yacht club, or marina to be constructed on a lot that is not a lot of record, provided that such lot fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure. except a building permit may be issued for:~~

- (a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- (b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0;
- (c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;
- (d) **Trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7**

V. ANALYSIS

The proposed text amendments would allow the establishment of a trapeze school and aerial performing arts center on the Southeast Federal Center (SEFC) site known as Parcel O. Section 1804.2 lists the uses permitted within the SEFC/R-5-E zone, all of which require review and approval by the Zoning Commission. The proposed amendment exempts the requested use from that review and allows it as a temporary, as-of-right use until December 31, 2014. The proposal also establishes no off-street parking requirement during this time period.

The size and complexity of the proposed projects on this multi-parcel site will likely result in its phased development over time. As such, the temporary use of parcels within the SEFC has been anticipated and addressed within the SEFC overlay, as evidenced in the provisions for temporary parking lots and other uses, and similarly limiting them to a 5-year time frame.

The proposed trapeze school use would occupy an existing undeveloped site for up to 5 years. The site is accessible by public transportation and there are existing off-street parking lots that would be available for visitors to the site. As a result, OP finds that a waiver of off-street parking requirements is appropriate for this use in this location. Further, if the trapeze school wishes to remain on the site beyond the specified 5-year time frame, the Zoning Commission could approve such a continuation via a special exception. The Zoning Commission could also evaluate the need for off-street parking at that time and impose new requirements, if deemed necessary.

Finally, Section 3202 requires that building permits only be issued for properties on established lots of record, with noted exceptions. The SEFC site is planned to be developed in phases, over the next several years. As such, the entire site has not been completely subdivided into lots of record. The requested text amendment would exempt this use from the current requirement and allow the applicant to obtain a building permit to install a temporary structure on site. OP finds that the requested text amendment is an appropriate solution to facilitate the temporary use of a site that is subject to Zoning Commission review and approval for any future use changes.

VI. COMPREHENSIVE PLAN

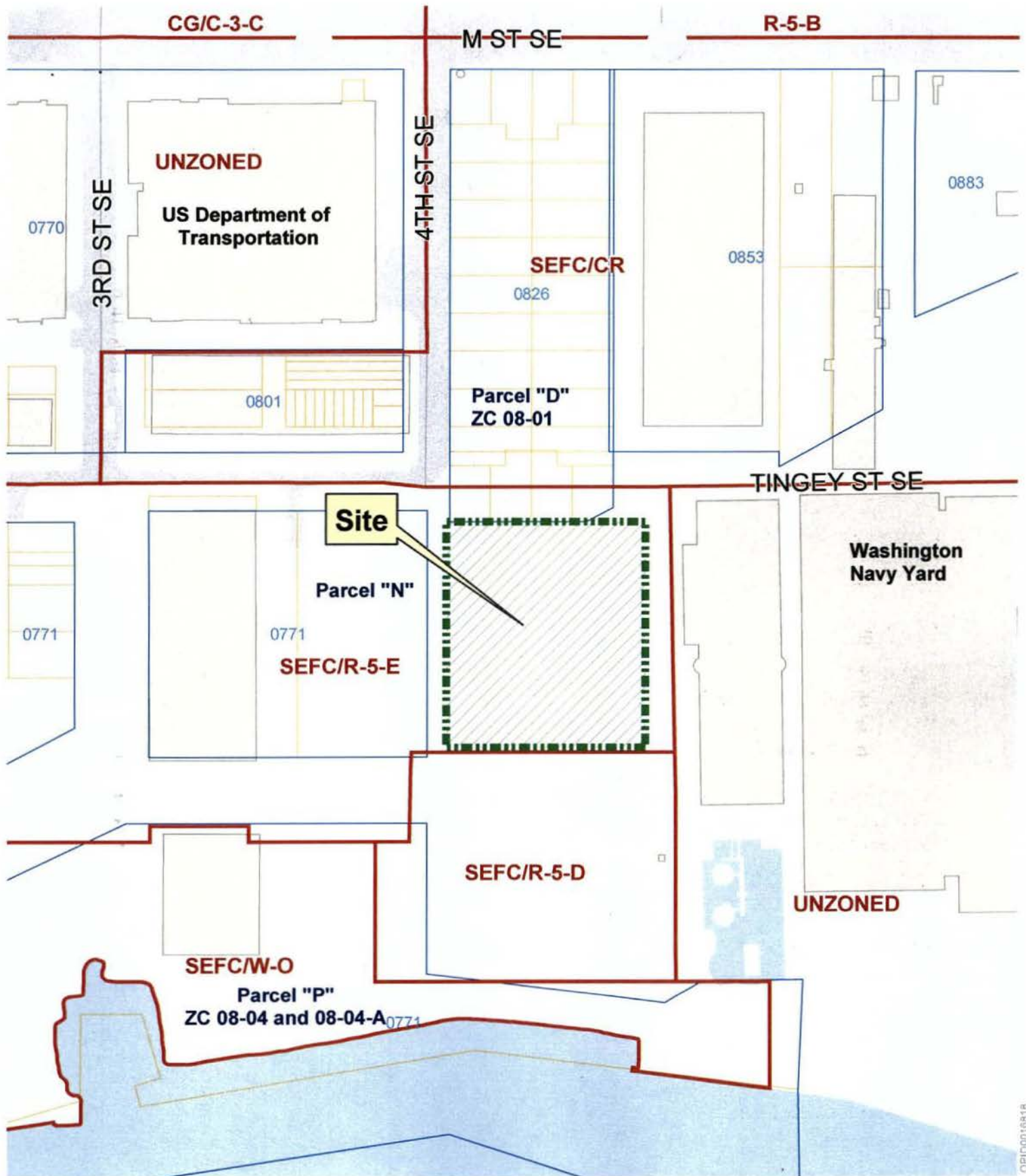
The proposal is considered not inconsistent with the Comprehensive Plan, and would further policy statements in the Land Use, Parks, Recreation and Open Space, and Urban Design elements by developing large sites on the waterfront (305.13), providing a variety of recreational facilities (809.5), and programming outdoor space with performances and other events that stimulate street life (913.19).

The development would also support relevant policies of the Lower Anacostia Waterfront/ Near Southwest Area Element by helping to develop new waterfront amenities (1908.5) and creating a waterfront recreation destination (1909.3). The requested text amendment to allow a trapeze school on Parcel O of the SEFC site meets all of the above stated planning goals and principles by adding to the variety of recreational uses available to District residents and helping attract people to the waterfront.

VII. CONCLUSION

The Office of Planning **recommends that the Zoning Commission approve** the proposed text amendments, as amended from the public hearing notice for codification purposes only. OP finds that the text amendments are not inconsistent with the 2006 Comprehensive Plan as well as other planning initiatives for the SEFC site.

JS/ayj
Arlova Jackson, Case Manager



**ZC 09-09 - Parcel O Proposed Trapeze School Site
Exhibit 1 - Context Map**

Legend

	Zoning Districts
	Property Squares
	Buildings

★ ★ ★ Government of the
District of Columbia
Adrian M. Fenty, Mayor

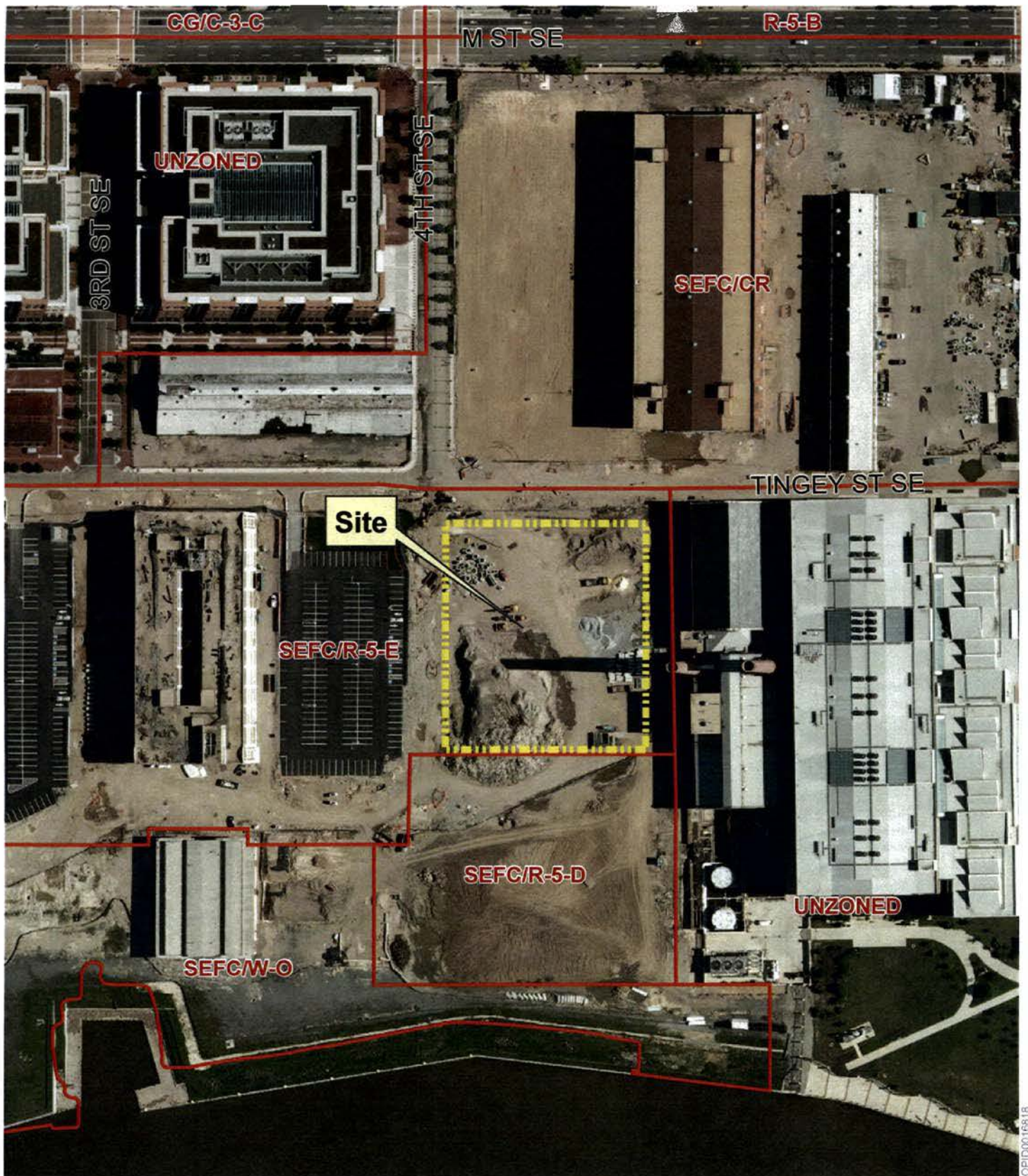
Office of Planning ~ 2009

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.



1:2,000

OPIC001081B



ZC 09-09 - Parcel O Proposed Trapeze School Site
Exhibit 2 - Aerial Photograph (2008)

★ ★ ★ Government of the
 District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ 2009

This map was created for planning
 purposes from a variety of sources.
 It is neither a survey nor a legal document.
 Information provided by other agencies
 should be verified with them where appropriate.



1:2,000